



Docket No.: 7675 (3225-0344)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#17

In re Application of

: : EXPEDITED PROCEDURE
: : Response under 37 CFR 1.116

Keith BOLAND

:

Serial No. 09/086,627

: Group Art Unit: 2153

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DEC 28 2001

Filed: May 29, 1998

: Examiner: B. Edelman

Technology Center 2100

:

For: METHOD AND APPARATUS FOR ALLOCATING NETWORK RESOURCES AND
CHANGING THE ALLOCATION BASED ON DYNAMIC WORKLOAD CHANGES

REQUEST FOR RECONSIDERATION AFTER FINAL

COMMISSIONER FOR PATENTS

Washington, D. C. 20231

Sir:

This paper is submitted in reply to the Office Action mailed September 27, 2001, which was made Final. Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested

REMARKS

Claims 1-5, 7 and 9-16 are pending in the application. The claims have not been amended since the last Amendment filed July 18, 2001. Applicants respectfully submit that all pending claims are in condition for allowance for the reasons set forth below. Should the Examiner insist otherwise, the claims are also believed in suitable form for consideration on appeal.

It is noted that the Examiner found Applicants' claim amendments filed in the July 18, 2001 Amendment ineffective to overcome the art rejections based on Culbert, Sumimoto and Hauser. The Examiner further found Applicants' arguments regarding distinctions between the claimed



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PTO/SB/21 (08-00)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/086,627		
Filing Date	May 29, 1998		
First Named Inventor	Keith BOLAND		
Group Art Unit	2153		
Examiner Name	B. Edelman Technology Center 2100		
Total Number of Pages in This Submission	8	Attorney Docket Number	7675 (3225-034)

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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> X After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

LOWE, HAUPTMAN, GILMAN AND BERNER, LLP

Kenneth M. Berner

Signature

Date

December 27, 2001

CERTIFICATE OF MAILING

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